



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

May 21, 2013

Core Development Services
Attn: Argineh Mailian
2749 Saturn Street
Brea, CA 92821

**REGARDING: PROJECT NO. R2012-01954-(5)
CONDITIONAL USE PERMIT NO. 201200102
8332 HUNTINGTON DRIVE, SAN GABRIEL (5376-021-001)**

Hearing Officer Gina Natoli, by her action of **May 21, 2013**, has **APPROVED** the above-referenced project. Enclosed are the Hearing Officer's Findings and Conditions of Approval. Please carefully review each condition. This approval is not effective until the appeal period has ended and the required documents and applicable fees are submitted to the Regional Planning Department (see enclosed Affidavit of Acceptance Instructions).

The applicant or any other interested persons may appeal the Hearing Officer's decision. The appeal period for this project will end at 5:00 p.m. on **June 4, 2013. Appeals must be delivered in person.**

Appeals: **To file an appeal, please contact:**
Regional Planning Commission, Attn: Commission Secretary
Room 1350, Hall of Records
320 West Temple Street, Los Angeles, CA 90012
(213) 974-6409

Upon completion of the appeal period, the notarized Affidavit of Acceptance and any applicable fees must be submitted to the planner assigned to your case. Please make an appointment to ensure that processing will be completed in a timely manner. Failure to submit these documents and applicable fees within 60 days will result in a referral to Zoning Enforcement for further action.

For questions or for additional information, please contact Jeantine Nazar of the Zoning Permits East Section at (213) 974-6435, or by email at jnazar@planning.lacounty.gov. Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,

DEPARTMENT OF REGIONAL PLANNING
Richard J. Bruckner


Maria Masis, Supervising Regional Planner
Zoning Permits East Section

Enclosures: Findings, Conditions of Approval, Affidavit of Acceptance (Permittee's Completion)

c: DPW (Building and Safety); Zoning Enforcement

MM:JN

**FINDINGS AND ORDER OF THE HEARING OFFICER
COUNTY OF LOS ANGELES
PROJECT NO. R2012-01954-(5)
CONDITIONAL USE PERMIT NO. 201200102**

ENTITLEMENT REQUESTED. The applicant, T-Mobile, is requesting a conditional use permit (CUP) pursuant to County Code Section 22.28.160 to authorize the continued operation of an existing unmanned wireless telecommunications facility consisting of a 77-foot-high monopine (a pole disguised as a pine tree) with related ground-mounted equipment cabinets enclosed within a lease area. The project includes a modification to the existing antennas.

HEARING DATES. March 5, 2013, May 21, 2013

1. **PROCEEDINGS BEFORE THE HEARING OFFICER.** A duly noticed public hearing was held on May 21, 2013 before Hearing Officer Gina Natoli. The applicant's representative, Argineh Mailian, was present to answer questions regarding the project. There being no further questions or testimony, the Hearing Office closed the public hearing and approved the permit with findings and conditions as agreed to by the applicant.
2. **PROJECT DESCRIPTION.** The project is a request to authorize a CUP for an unmanned wireless telecommunications facility renewal containing a 77-foot-high monopine (a pole disguised as a pine tree) with twelve (12) panel antennas, mounted at 67'-8" high with related ground-mounted equipment cabinets enclosed within a lease area. The applicant T-Mobile proposes to modify the existing WTF by replacing six (6) existing antennas with six (6) new antennas, three (3) new twin AWS (Advanced Wireless Services), TMA (Tower Mounted Amplifier), install one new hybrid fiber cable and remove one coax per sector. The applicant will paint the antennas to match the existing pole and add pine socks. The existing project is located on the southwest corner of a 36,450-square-foot, flat, square-shaped parcel developed as a senior assisted living facility. The access to the site is via Sunny Slope Drive to the east.
3. **LOCATION.** The subject property is located at 8332 Huntington Drive in the East San Gabriel Zoned District.
4. **SITE PLAN - ELEVATION DESCRIPTION.** The existing project is located on the southwest corner of a 36,450-square-foot, flat, square-shaped parcel developed as an assisted living facility. The access to the site is depicted via Sunny Slope Drive to the east.

The antenna layout plan shows the existing three sector panel antennas with four antennas per sector. The applicant proposes to replace two antennas per sector and also to replace three (3) amplifiers, one on each sector.

The elevation plan depicts twelve (12) T-Mobile antennas and twelve (12) AT&T panel antennas mounted on the monopine with associated equipment cabinets on the ground within a 600-square-foot lease area which is enclosed within a 6-foot-high wrought iron fence on top of a 2-foot-high block wall. The antennas are camouflaged with pine fronds.

5. **EXISTING ZONING.** The subject property is zoned C-2 (Neighborhood Business). Surrounding properties are zoned as follows:

North: R-1 (Single-Family Residence) and C-3 (Unlimited Commercial)
South: R-1 (Single-Family Residence)
East: R-1 (Single-Family Residence)
West: City of San Marino

6. **EXISTING LAND USES.** The subject property is developed with an assisted living facility as well as the WTF.

Surrounding properties within a 500-foot radius are developed as follows:

North: Single-family Residences, Commercial
South: Single-family Residences
East: Clairbourn School
West: San Marino Mason Lodge and KL Carver Elementary School

7. **PREVIOUS CASES/ZONING HISTORY.**

CUP 02-110 approved the construction, operation and maintenance of a WTF consisting of a 75-foot-high monopine and associated equipment cabinets. This project relocated the AT&T antennas, approved under CUP 97-175 and added twelve (12) Cingular antennas. This permit expired on July 30, 2012. The applicant has filed a timely renewal.

CUP 00-163 approved the conversion of the principal use on the subject property from a medical office building to an assisted living facility. This permit expired on January 30, 2012. Staff referred this case to the enforcement planner.

CUP 97-175 approved the construction, operation, and maintenance of a WTF consisting of a monopole and associated AT&T antennas and equipment cabinets. The antennas approved under this permit were relocated on the new pole associated with CUP 02-110. Therefore, AT&T antennas became a co-locator on the Cingular, now T-Mobile, CUP.

8. **GENERAL PLAN / COMMUNITY PLAN CONSISTENCY.**

Low Density Residential within the Countywide General Plan. The intent of the classification is to maintain the character of the existing low-density residential neighborhoods. This designation is not consistent with the C-2 zoning on the subject property. Although there are no specific policies related to WTFs in the General Plan, the Los Angeles County General Plan Policy No. 58 states: "Maintain high quality emergency response services" (Page I-25).

The proposed facility is consistent with this policy as it will increase wireless services in the area. The applicant contends that the proposed wireless telecommunications facility will provide wireless coverage to the area. The applicant has provided existing and predicted coverage areas showing that the proposed project will improve wireless network for indoor and in-vehicle coverage areas. Also, the proposed antennas and modification at large are intended to provide network upgrades to 4G and LTE.

9. **ZONING ORDINANCE AND DEVELOPMENT STANDARDS COMPLIANCE.**

Conditional Use Permit No. 02-110 approved the construction of the existing 77-foot-tall monopine WTF. The project was found to be consistent with the applicable zoning development standards.

10. The project is substantially compliant with the Departmental WTF policy standards for design. All wireless facilities are required to use camouflage techniques to minimize visual

impacts and to provide appropriate screening. The new WTF is proposed to be located on an existing monopine structure and the antennas are camouflaged with pine sock and pine fronds. In addition, the lease area is enclosed by a wrought iron fence.

11. **NEIGHBORHOOD IMPACT/LAND USE COMPATIBILITY.**

The Federal Communications Commission (FCC) sets standards for safe human exposure to non-ionizing electromagnetic radiation. The conditions of approval require written verification that the proposed facility's radio-frequency radiation and electromagnetic field emissions will fall within the adopted FCC standards for safe human exposure to such forms of non-ionizing electromagnetic radiation when operating at full strength and capacity for the lifetime of this conditional use permit. The applicant has provided a statement of compliance with FCC/FAA standards.

12. Pursuant to the 1996 Telecommunications Act, local jurisdictions are preempted from considering radio frequency emissions when regulating WTFs, as long as such facilities comply with FCC regulations.

13. **LEGAL NOTIFICATION AND PUBLIC OUTREACH.** Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper and property posting.

14. **PUBLIC COMMENTS.** Staff received two emails regarding the subject project - one from a parent of a student at the nearby public school and one from a local resident, opposing the project. Staff spoke to the one of the opponents and found that the main concern is the radiation generated by the subject WTF.

CONDITIONAL USE PERMIT - SPECIFIC FINDINGS

15. The proposed facility is consistent with General Plan policy by providing a high quality emergency response service. The applicant has provided existing and predicted coverage area maps showing that the proposed project will improve wireless network coverage for indoor and in-vehicle coverage areas. Also, the proposed antennas and modification at large are intended to provide network upgrades to 4G and LTE.

Therefore, the proposed use will be consistent with the adopted general plan for the area.

16. The project provides important telecommunications infrastructure to the community, and uses camouflage techniques to minimize visual impacts to the site.

Therefore, the requested use at the location proposed will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

17. The existing WTF was approved in 2002 and was compliant with all applicable zoning development standards set forth in the County Code. The project is also compliant with the Department's development guidelines for wireless facilities related to height and design.

Therefore, the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features

prescribed in Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

18. The subject site is accessed by Sunny Slope Drive to the east. Only periodic site visits are necessary.

Therefore, the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.

ENVIRONMENTAL DETERMINATION

19. This project qualifies for a Categorical Exemption (Class 1- Existing Facilities) under the California Environmental Quality Act (CEQA) and the County environmental guidelines. The proposed project is a request for a CUP renewal for an existing wireless telecommunication facility with minor changes to the existing antennas.

Therefore, the project qualifies as a Categorical Exemption and is consistent with the finding by the State Secretary for Resources or by local guidelines that this class of projects does not have a significant effect on the environment.

20. **TERM LIMIT.** To assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses, the Hearing Officer determines that it is necessary to limit the term of the grant to fifteen (15) years.
21. **RECORD OF PROCEEDINGS.** The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits East Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

- A. That the proposed use will be consistent with the adopted general plan for the area; and
- B. That the requested use at the location proposed will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare; and
- C. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area; and
- D. That the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.

THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings for a conditional use permit as set forth in Section 22.56.090 of the Los Angeles County Code (Zoning Ordinance).

HEARING OFFICER ACTION:

1. The Hearing Officer has considered the Categorical Exemption for this project and certifies that it is consistent with the finding by the State Secretary for Resources or by local guidelines that this class of projects does not have a significant effect on the environment.
2. In view of the findings of fact and conclusions presented above, Conditional Use Permit No. 201200102 is Approved subject to the attached conditions.

MM:JN
May 21, 2013

c: Zoning Enforcement, Building and Safety

**CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R2012-01954-(5)
CONDITIONAL USE PERMIT NO. 201200102**

PROJECT DESCRIPTION

The project is a request to authorize a conditional use permit (CUP) for an unmanned wireless telecommunications facility (WTF) containing a 77-foot-high monopine (a pole disguised as a pine tree) and related ground-mounted equipment cabinets enclosed within a lease area subject to the following conditions of approval:

GENERAL CONDITIONS

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition No. 10. Notwithstanding the foregoing, this Condition No. 2 and Conditions No. 4, 5, and 9 shall be effective immediately upon the date of final approval of this grant by the County.
3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall fully cooperate in the defense. If the County fails to promptly notify the permittee of any claim, action, or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with Regional Planning in the amount of up to \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. **This grant shall terminate on May 21, 2028.** Entitlement to use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, whether or not the permittee proposes any modifications to the use at that time, the permittee shall file a new conditional use permit application with Regional Planning, or shall otherwise comply with the applicable requirements at that time. Such application shall be filed at least six (6) months prior to the expiration date of this grant and shall be accompanied by the required fee. In the event that the permittee seeks to discontinue or otherwise change the use, notice is hereby given that the use of such property may require additional or different permits and would be subject to the then-applicable regulations.
9. This grant shall expire unless used within ninety (90) days from the date of final approval of the grant. A single thirty-(30) day time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date. For the purposes of this provision, continued operation of the wireless telecommunications facility and satisfaction of Condition No. 2 shall be considered use of this grant.
10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of **\$1,600.00**. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for **eight (8) biennial (one every other year)** inspections. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall

be \$200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.
12. All development pursuant to this grant must be kept in full compliance with the County Fire Code to the satisfaction of said department.
13. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department.
14. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code ("Zoning Ordinance") and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director of Regional Planning ("Director").
15. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas of the premises over which the permittee has control.
16. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of notification of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

17. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A." If changes to the site plan are required as a result of instruction given at the public hearing, **three (3) copies of a modified Exhibit "A"** shall be submitted to Regional Planning within sixty (60) days of the date of final approval.
18. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **three (3) copies of the proposed plans** to the Director for review and approval. All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

PERMIT - SPECIFIC CONDITIONS

19. The facility shall be operated in accordance with regulations of the State Public Utilities Commission.
20. Upon completion of construction of the facility, the permittee shall submit to the Zoning Enforcement Section of the Department of Regional Planning written certification that the radio frequency electromagnetic emissions levels comply with adopted Federal Communications Commission (FCC) limitations for general population/uncontrolled exposure to such emissions when operating at full strength and capacity. If other WTFs are located on the subject property or on adjacent parcels, the aforementioned report shall include the radio frequency electromagnetic emissions of said WTFs.
21. Insofar as is feasible, the operator shall cooperate with any subsequent applicants for wireless communications facilities in the vicinity with regard to possible co-location. Such subsequent applicants will be subject to the regulations in effect at that time.
22. Any proposed WTF that will be co-locating on the proposed facility will be required to submit the same written verification of emissions and include the cumulative radiation and emissions of all such facilities to the Zoning Enforcement Section of the Department of Regional Planning.
23. All structures shall conform to the requirements of the Division of Building and Safety of the Department of Public Works or other appropriate agency and obtain an encroachment permit if deemed necessary.
24. External lighting, including security lighting, shall be on motion sensors, be of low intensity, fully shielded and directed away from any adjacent residences. Pole-mounted lighting is prohibited on the leasehold unless the facility is disguised as a light pole. Antenna lighting is prohibited. Beacon lights are prohibited unless required by the FAA.
25. The subject property is adjacent to a senior living facility, therefore, construction and maintenance of the facility shall be limited to the hours of 9:00 AM to 5:00 PM, Monday through Friday. Emergency repairs of the facility may occur at any time.
26. The project shall be developed and maintained in substantial compliance with the approved plans marked Exhibit "A". Placement and height of all pole-mounted equipment shall be in substantial conformance with that shown on said Exhibit "A". The facility shall be built as depicted in the photo simulations presented at the public hearing.
27. One parking space for maintenance vehicles shall be provided. The space does not have to be dedicated solely to maintenance vehicles. Maintenance vehicles shall not block access to driveways or garages.
28. The maximum height of the facility shall not exceed 77 feet above the ground level.
29. Within 30 days of change in service provider ownership, the permittee shall provide the Zoning Enforcement Section of the Department of Regional Planning the name and contact information of the new service provider.
30. The finished surface of the facility shall not be glossy or reflective in nature unless such finish is necessary to blend into existing design features. The finish shall be graffiti-

resistant and shall have a color that blends in with the immediately-surrounding environment.

31. The facility shall be maintained in good condition and repair, and shall remain free of: general dirt and grease; chipped, faded, peeling or cracked paint; trash, debris, litter, graffiti and other forms of vandalism; cracks, dents, blemishes and discolorations; and visible rust or corrosion on any unpainted metal areas. Any damage from any cause shall be repaired within 30 days of notice. Weathered, faded or missing parts/materials used to disguise/camouflage the facility shall be maintained and/or replaced within 30 days of notice. Provided landscaping shall be maintained at all times and shall be promptly replaced if needed.
32. Upon request, the permittee shall submit annual reports to the Zoning Enforcement Section of the Department of Regional Planning to show compliance with the maintenance and removal conditions.
33. The Department of Regional Planning project number, conditional use permit number and lease holder contact information shall be prominently displayed on the facility where it can be easily viewed at or near eye level.
34. The facility shall be secured by fencing, gates and/or locks. All fencing or walls used for screening or securing the facility shall be composed of wood, vinyl, stone, concrete, stucco or wrought iron. Chain link, chain link with slats, barbed and other types of wire fencing are prohibited. If the facility's fences or walls are visible from the public right-of-way, landscaping, in a minimum planter width of five feet, shall be provided to screen the fence or wall from the street.
35. New equipment added to the facility shall not compromise the stealth design of the facility.

PROJECT SITE - SPECIFIC CONDITIONS

36. This grant shall authorize an unmanned WTF consisting of a 77-foot-high monopine with associated ground-mounted equipment.
37. The applicant shall provide a revised site plan depicting the existing landscaping associated with the wireless facility.
38. Antennas shall be painted or covered to match their background (branches or trunk). The antennas shall not extend beyond the monotree branches or fronds. There shall be ample branch coverage to hide the antennas from view as effectively as possible. Faux bark cladding shall be provided from the ground to five feet beyond where the faux branches begin; above the faux bark shall be flat non-reflective brown paint to match the bark. The antennas shall be camouflaged by faux pine socks.
39. Appurtenant equipment boxes shall be screened or camouflaged at all times.
40. If an emergency generator is proposed for this site, a new CUP application shall be required. This permit does not authorize any emergency generators.